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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,816	04/18/2000	Raul Bruzzone	PHF 99,598	2671
24737	7590	12/29/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			FERRIS, DERRICK W	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/551,816

Applicant(s)

BRUZZONE, RAUL

Examiner

Derrick W. Ferris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/12/2004 has been entered.

Response to Arguments

2. **Claims 7-18** as previously amended are still in consideration for this application.

3. Examiner **withdraws** the anticipated rejection to *Bradley*.

4. Examiner does **not withdraw** the anticipated rejection to *Hart*. In complete response to applicant's arguments, at issue is the amended limitation selection means for, based on the acquired data, conditionally selecting at least an active secondary station and *conditionally selecting at least an alternative secondary station suitable for becoming active*. Examiner notes *Hart* teaches the above limitation. In particular, secondary stations are the satellites 4a and 4b shown e.g., in figure 2. Specifically, the earth station (i.e., primary station) selects the better of the two satellites based on the same propagated signal 3, see e.g., column 4, lines 23-45. *Hart* teaches actively monitoring both secondary stations such that the better satellite will always be selected, see e.g., column 4, lines 41-45. Hence the station with the least amount of interference is the at least active station and the station with more interference is the at least alternative secondary station where the alternative secondary station can become the active secondary station based on the current level of interference as taught e.g., at column 4, lines 40-45.

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This action is made non-final since although the same reference is applied, applicant paid for a continued examination.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 7-18** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,314,269 B1 to *Hart et al.* (“*Hart*”).

As to **claim 7**, the primary radio station is the earth station 8 (and not the mobile 18) and the secondary stations are satellites 4a and 4b. As such, each earth station 8 has at least two directional antennas 86 thus teaching a multi-directional control antenna, see e.g., column 5, lines 4-19 and figure 3. In particular, each directional antenna corresponds to a directional beam that is steered towards a particular satellite. An acquisition means is taught by receiving a signal and determining the signal quality of a received signal from a mobile 18, see e.g., column 3, lines 54-61. A selection means is taught as part of handover, see e.g., column 8, lines 25-67. In addition, a selection signal 10 is used as selection means 14 to select one satellite for the forward link, see e.g., figure 1. The earth station 8 also tracks each satellite thus teaching a calculating means step, see e.g., column 6, lines 46-64. The position information can further be stored at the earth station thus also teaching a storage means. The position information is further used

to track a satellite by controlling the beam of the directional antenna thus further teaching a control means, see e.g., column 6, line 46 – column 7, line 8.

As to **claim 8**, the earth station 8 tracks more than one satellite, see e.g., column 6, lines 46-64.

As to **claim 9**, acquired data is based on the quality of the data, see e.g., column 3, lines 43-61. In particular, see figure 2 where if a received signal is blocked 20 then the better quality signal from satellite 4a is selected.

As to **claim 10**, see similar rejection to claim 7. The method is taught as part of the apparatus.

As to **claim 11**, see similar rejection to claim 8.

As to **claim 12**, see similar rejection to claim 9.

As to **claim 13**, see similar rejection to claim 7.

As to **claim 14**, see similar rejection to claim 8.

As to **claim 15**, see similar rejection to claim 9.

As to **claim 16**, see similar rejection to claim 7. The processor 500 implements computer program instructions.

As to **claim 17**, see similar rejection to claim 8.

As to **claim 18**, see similar rejection to claim 9.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (571) 272-3123.

The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick W. Ferris
Examiner
Art Unit 2663


DWF



Derrick W Ferris
12/22/2004